

INDIVIDUAL PRACTICES IN CRIMINAL CASES

Nelson S. Román, United States District Judge

Chambers

United States Courthouse
300 Quarropas Street
White Plains, NY 10601
Tel (914) 390-4177
Fax: (914) 390-4179
Courtroom 218

Courtroom Deputy Clerk

Ms. Gina Sicora
(914) 390-4178
Gina_Sicora@nysd.uscourts.gov

ECF

1. Counsel are required to register in accordance with the Procedures for Electronic Case Filing promptly after being retained or assigned. Pertinent instructions are available on the Court website, at <http://www.nysd.uscourts.gov/ecf.php>.

PROCEDURE

2. A firm trial date will be selected at a status conference. Prior to the conference, counsel shall confer and be prepared to propose to the Court a trial date and a schedule for any pretrial motions. Once a trial date is selected, it will not be moved absent exceptional circumstances.

COMMUNICATIONS

3. **Scheduling.** For scheduling please call Judge Román's Courtroom Deputy Clerk, Gina Sicora, at (914) 390-4178. Upon assignment of a criminal case to Judge Román, the parties should contact Ms. Sicora to set an appropriate date for an initial appearance. The A.U.S.A. shall at that time submit to Chambers a courtesy copy of the criminal complaint, if one exists.
4. **Telephone Calls.** Telephone calls to Chambers are permitted only for **urgent** matters requiring **immediate** attention. In such **rare** situations, call Chambers at (914) 390-4177.
5. **Letters.** Except for scheduling and urgent matters, all communication with the Court should be in **writing** and must contain the docket number for the case and the Court's initials (NSR). Letters should be faxed to the Court.
6. Whenever Defense Counsel has received, or is receiving, a benefactor payment that subjects counsel to a conflict of interest, said counsel must inform the Court and request in writing a *Curcio* hearing.

SUBSTITUTION OF COUNSEL

7. When there is a substitution of Defense Counsel, counsel of record must contact the Deputy Clerk to schedule a conference. At the conference, the Court will address the application by

Defense Counsel to be relieved. The defendant, replacement counsel and the A.U.S.A. must also attend the conference.

MOTIONS

8. In making discovery motions, counsel are expected to comply with Southern District Local Criminal Rule 16.1. Any discovery motion must contain the Rule 16.1 affidavit.

GUILTY PLEAS

9. Defense counsel are expected to have reviewed any plea, cooperation or other agreement with the defendant—if necessary, with the assistance of an interpreter—prior to the time set for the conference with the Court.
10. Defendants shall be prepared in advance of a guilty plea to give narrative allocutions that incorporate all the elements of the offense(s) to which they are pleading guilty.
11. When a defendant is pleading guilty pursuant to a plea agreement or a cooperation agreement, a copy of the agreement must be received by Chambers before the scheduled plea. Where the government is providing a *Pimentel* letter, a copy of the *Pimentel* letter must also be received by Chambers before the scheduled plea.

BAIL MODIFICATIONS

12. Any written request for a bail modification by a defendant shall indicate whether the Government and the Pre-Trial Services Officer consent to the request.

SENTENCES

13. **Documents in the Public Record.** The Court assumes that every document in a sentencing submission, including letters, will be filed in the public record either in paper form or through the ECF system, using the procedures described below.
14. **Filing Letters.** The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims.
15. **Redacting Personal Information.** Regarding document submissions, the parties must comply with the E-Government Act of 2002 and the Southern District’s ECF Rules & Instructions, Section 21, Privacy and Public Access to ECF Cases (“ECF Privacy Policy”).
 - a. Parties may not, unless necessary, include the five categories of “sensitive information” in their submissions (i.e., social security numbers, names of minor children [use the initials only], dates of birth [use the year only], financial account numbers, and home addresses [use only the City and State]).

- b. Parties may redact the above five categories of “sensitive information” and the six categories of information requiring caution (i.e., personal identifying number; medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; and information regarding an individual’s cooperation with the government) as described in the ECF Privacy Policy, without application to the Court. If any material is redacted from the publicly filed document, only those pages containing the redacted material will be filed under seal. Bring a copy of those pages to the sentencing proceeding, marked to indicate what information has been redacted from the publicly filed materials, to give to the Court for filing under seal.
- c. If a party redacts information beyond the eleven categories of information identified in the ECF Privacy Policy, an application to do so must be served and filed at the time the sentencing submission is served. The application should clearly identify the redaction and explain the reasons for the redaction. The application will be addressed at the sentencing proceeding.

16. Sentencing Submissions. A defendant’s sentencing submission shall be served two weeks before the date set for sentence. The Government’s sentencing submission shall be served one week before the date set for sentence. The parties must file submissions via ECF, and provide the Court with two courtesy copies, when they serve the other party. Letters must be grouped and filed together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated.

If you have any questions about these practices, please contact Judge Román’s Courtroom Deputy Clerk, Gina Sicora, at (914) 390-4178.